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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,103	12/06/2001	Harold Y. Walker JR.	15436.436.1	9457
22913	7590	10/05/2004	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			KANG, JULIANA K	
			ART UNIT	PAPER NUMBER
			2874	
DATE MAILED: 10/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,103	WALKER ET AL.	
	Examiner	Art Unit	
	Juliana K. Kang	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22,24-26 and 31-34 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-22,24-26 and 31-34 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Applicant's communication filed on July 6, 2004 has been carefully reviewed by the Examiner. Applicant has canceled claims 23 and 27-30 and claims 1-22, 24-26 and 31-34 are now pending. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

Claim Objections

Claims 23 and 27-30 are objected to because of the following informalities: claims 23 and 27-30 have wrong status identifiers. In the remarks dated July 6, 2004, applicant has canceled claims 23 and 27-30 (see page 14). However the amended claims still shows claim 23 and 27-30 with "previously added" identifiers. Appropriate correction is required.

The amendment filed July 6, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claims 1, 9, 10, 11, 19 and 20 recites the limitation "cam formed along a length of the handle" appears to be a new matter. Claim 19 recites "cam formed integrally along a length of the wired handle" and claim 20 recites "a single contiguous wire handle with an associated cam." Newly added limitations introduce new matters. None of the drawings appear to show the newly added claimed limitations. Claim 34 recites the limitations, a knob and a ridge. Claim 34 was objected during the last office action for adding new matter and applicant argues the limitations are shown. But Examiner does not agree with this. None of the

drawings appear to show the newly added limitations and none of these terms were in the original disclosure. Applicant should note that clear antecedent basis must be found in the specification for the elements claimed. If applicant believes that these elements are not new matter applicant should note CFR 1.75(d) that all terms must find clear antecedent basis. Applicant should show by reference numbers which terms are disclosed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim 25 recites the limitation "a receptacle" in line 3. It is noted that its independent claim 21 recites "a receptacle" in line 4. It appears "a receptacle" in claim 25 should be "the receptacle", unless applicant is introducing another receptacle.

Claim 33 recites the limitation "a receptacle" in line 2, "a pluggable transceiver module", in lines 2, 3 and 5, "a tab" in line 6,

Appropriate correction is required.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claimed terms such as lever, wedge and slidably do not have proper antecedent basis in the specification. These were objected as new matter during the last Office action but as applicant argued the Examiner agrees that these limitations are shown in the original drawings. Applicant is required to incorporate the claimed terms into the specification without adding any new matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22,24-26 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al (U.S. patent 6,692,159 B2).

Regarding claims 1-3, 7, 9, 11, 12, 17, 19, 21, 25, 26, and 31-33, Chiu et al disclose a plurality of optical modules to be plugged into or removed from a cage (1000, receptacle) comprising a handle (3404, lever) with an associated push tab that (3410) pushes the actuator (3408, ejector button) to slide and causing the ramps, wedges, or lifters (1308) to push out on the latch (1102) freeing (see Fig. 12) the triangle (1002, tab) from the opening (1102, slot) in the base of the cage (1000) to release the optical modules from the cage (see column 26 lines 34-67) (see Figs. 38A-38E). However, Chiu et al do not specifically teach a cam. Since Chiu et al's rotating handle and push tab performs the same function as applicant's handle with cam and applicant does not provide the critically of having a cam, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use any type of mechanism including a cam in Chiu et al as long as the mechanism pushes the sliding member (actuator) to cause the optical module to release from the cage.

Regarding claims 4, 5, 14, and 15 Chiu et al teach that the handle is made of metal (see claim 10 of Chiu et al).

Regarding claim 6 and 16, Chiu et al do not specifically teach that the ejector button (actuator) is configured from plastic. Applicant does not provide the critically of having plastic for the ejector button, thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to use plastic for the ejector button (actuator) in Chiu et al because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Regarding claims 8, and 18, Chiu et al teach the claimed limitations (see claim 6 of Chiu et al).

Regarding claims 10, 13, and 20, Chiu et al also teach locking the pluggable module into the case (see column 26 line 39-46).

Regarding claim 22, Chiu et al shows the cross-bar (3504) (see Fig. 39A).

Regarding claim 24, Chiu et al teach a continuous pulling action withdraw the module out of the cage (see column 27 lines 3-5).

Conclusion

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-

2348. The examiner can normally be reached on Mon. & Fri. 10:00-6:00 and Tue. & Thur. 10:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Juliana Kang
October 1, 2004